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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Proceeding	86234074
Applicant	Free Range Presents Dallas, LLC DBA The Rustic
Applied for Mark	THE RUSTIC KITCHEN Â· BACKYARD Â· BAR Â· MUSIC
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Submission	Appeal Brief
Attachments	151214 Appeal Brief - THE RUSTIC ( Design).pdf(232160 bytes ) Exhibit 1 - Kitchen Page.pdf(1938099 bytes ) Exhibit 2 - Events Page.pdf(181134 bytes ) Exhibit 3 - Yelp Reviews of THE RUSTIC.pdf(1930194 bytes ) Exhibit 4 - U.S. Reg. No. 1688240 - RUSTIC INN.pdf(22074 bytes ) Exhibit 5 - U.S. Reg. No. 1316282 - RUSTIC INN SEAFOOD CRAB-HOUSE.pdf(20876 bytes ) Exhibit 6 - U.S. Reg. No. 3362107 - RUSTICO COOKING.pdf(27208 bytes ) Exhibit 7 - U.S. Reg. No. 3577399 - RUSTIC STEAK.pdf(17646 bytes ) Exhibit 8 - U.S. Reg. No. 4124031 - PIZZA RUSTICA.pdf(35185 bytes ) Exhibit 9 - U.S. Reg. No. 4130533 - PIZZA RUSTICA.pdf(789746 bytes ) Exhibit 10 - U.S. Reg. No. 4185983 - RUSTIC BAKERY.pdf(33080 bytes ) Exhibit 11 - U.S. Reg. No. 4291722 - CAFE RUSTICA.pdf(34660 bytes ) Exhibit 12 - U.S. Reg. No. 4379099 - RUSTIC INN.pdf(35784 bytes ) Exhibit 13 - U.S. Reg. No. 4460853 - RUSTICO.pdf(42260 bytes ) Exhibit 14 - U.S. Reg. No. 4583909 - RUSTIC TAVERN.pdf(34779 bytes ) Exhibit 15 - DMN Article.pdf(137441 bytes ) Exhibit 16 - DBJ Article.pdf(1097018 bytes ) Exhibit 17 - Dallas Obs Article.pdf(2594791 bytes ) Exhibit 18 - DMN Article.pdf(1613001 bytes ) Exhibit 19 - Fox News Article.pdf(520091 bytes ) Exhibit 20 - D Mag.pdf(704151 bytes ) Exhibit 21 - Examiner.pdf(832165 bytes ) Exhibit 22 - AXS Article.pdf(979468 bytes ) Exhibit 23 - Cowboys.pdf(322169 bytes ) Exhibit 24 - Fiji.pdf(368965 bytes ) Exhibit 25 - RUSTIC KITCHEN Specimen of Record.pdf(132004 bytes )
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Free Range Presents Dallas, LLC d/b/a  
The Rustic

Mark: THE RUSTIC KITCHEN BACKYARD BAR  
MUSIC (& design)

Serial No.: 86/234074

Filing Date: March 27, 2014

Examining Attorney: Mary J. Rossman

Law Office: 109

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**EX PARTE APPEAL**

**APPLICANT'S BRIEF**

**PRELIMINARY STATEMENT**

Free Range Presents Dallas, LLC d/b/a The Rustic ("Applicant") is the owner of several trademarks, including the trade name and trade dress, of a venue that operates under the trade name THE RUSTIC ("The Rustic"), which offers a wide variety of food and beverage items and, equally importantly, offers frequent live music performances.

At issue in this appeal is the Examining Attorney's refusal of Applicant's THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& design) application (U.S. Serial No. 86/234074) based upon Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). Specifically, the Examining Attorney found that Applicant's THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) mark was confusingly similar to U.S. Registration No. 4,253,386 for RUSTIC KITCHEN. Applicant respectfully submits that the 2(d) rejection was improper.

**DESCRIPTION OF RECORD**

**A. PROSECUTION HISTORY**

Applicant filed Application Serial No. 86/234074 on March 27, 2014 for the mark shown below:



An Office Action issued on June 29, 2014, refusing registration because of alleged likelihood of confusion with U.S. Registration No. 4,253,386 for RUSTIC KITCHEN. Applicant filed its response to the Office Action on December 29, 2014, requesting reconsideration and withdrawal of the rejection under § 2(d) as improper. A second Office Action issued on February 3, 2015, maintaining the refusal and making it final. On August 3, 2015, Applicant filed its (1) Response to Final Office Action of February 3, 2015 and Request for Reconsideration, and (2) Notice of Appeal. The Request for Reconsideration was denied on October 12, 2015.

Applicant incorporates the arguments set forth in its prior responses as if fully set forth herein.

**B. EXAMINING ATTORNEY'S EVIDENCE**

U.S. Registration No. 4,253,386

**C. APPLICANT'S EVIDENCE**

[Exhibit 1] The Rustic Kitchen + Bar webpage

[Exhibit 2] The Rustic Music + Events webpage

[Exhibit 3] Consumer reviews from yelp.com

[Exhibit 4] U.S. Reg. No. 1,688,240

[Exhibit 5] U.S. Reg. No. 1,316,282

[Exhibit 6] U.S. Reg. No. 3,362,107

[Exhibit 7] U.S. Reg. No. 3,577,399

[Exhibit 8] U.S. Reg. No. 4,124,031

[Exhibit 9] U.S. Reg. No. 4,130,533

[Exhibit 10] U.S. Reg. No. 4,185,983

[Exhibit 11] U.S. Reg. No. 4,291,722

[Exhibit 12] U.S. Reg. No. 4,379,099

[Exhibit 13] U.S. Reg. No. 4,460,853

[Exhibit 14] U.S. Reg. No. 4,583,909

[Exhibit 15] Dallas Morning News article (Jan. 2013)

[Exhibit 16] Dallas Business Journal article (Apr. 2013)

[Exhibit 17] Dallas Observer article (Oct. 2013)

[Exhibit 18] Dallas Morning News review (Dec. 2013)

[Exhibit 19] Fox News.com article (Apr. 2014)

[Exhibit 20] D Magazine directory listing

[Exhibit 21] Examiner.com article (Sep. 2014)

[Exhibit 22] AXS.com article (Oct. 2014)

[Exhibit 23] Dallascowboys.com screenshot

[Exhibit 24] Fijiwater.com screenshot

[Exhibit 25] Rustic Kitchen specimen



## **ARGUMENT**

### **I. LEGAL STANDARD**

The Court of Customs and Patent Appeals set out thirteen (13) factors to be considered in determining whether a likelihood of confusion exists. The thirteen factors set forth by the Court of Customs and Patent Appeals are as follows:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
2. The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
3. The similarity or dissimilarity of established, likely-to-continue trade channels.
4. The conditions under which buyers to whom sales are made, i.e. “impulse” versus careful, sophisticated purchasing.
5. The fame of the prior mark (sales, advertising, and length of use).
6. The number and nature of similar marks in use on similar goods.
7. The nature and extent of any actual confusion.
8. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
9. The variety of goods on which a mark is or is not used (house mark, “family” mark, and product mark).
10. The market interface between the applicant and the owner of a prior mark.
11. The extent to which an applicant has a right to exclude others from use of its mark on its goods.
12. The extent of potential confusion, i.e. whether *de minimis* or substantial.
13. Any other established fact probative of the effect of use.

*In re E.I. duPont de Nemours Co.*, 476 F.2d 1357, 1361 (CCPA 1973). The evidentiary factors of *duPont* are not listed in order of merit; rather, “[e]ach may from case to case play a dominant role.” *Id.* at 1361, TEMP § 1201.01.

The Trademark Manual of Examining Procedure states that “similarity of the marks in one respect – sight, sound, or meaning – will not automatically result in a determination that confusion is likely **even if the goods are identical or closely related.**” TMEP § 1207.01(b) (emphasis added) (citing *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1635 (TTAB 2009); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)). Accordingly, it is well settled that similarity as to one aspect of the sight, sound and meaning trilogy does not automatically result in a finding of likelihood of confusion.

Finally, the Court of Appeals for the Federal Circuit acknowledged the role of the *duPont* factors in *Specialty Brands v. Coffee Bean Distributors, Inc.*, 798 F.2d 669, 223 USPQ 1281 (Fed. Cir. 1984) as mandating review of marks in their entirety to reflect the marketplace where confusion can occur. *Id.* at 669. Consideration of evidence emanating from the marketplace and embodied in the thirteen *du Pont* factors should be used in the process of deciding the issues when of record. *In re E.I. duPont de Nemours Co.*, 476 F.2d 1357, 1361 (CCPA 1973).

## **II. THE REFUSAL TO REGISTER UNDER SECTION 2(D) IS IMPROPER.**

It is well settled that any one of the *duPont* factors may be given greater weight in assessing likelihood of confusion as the situation warrants. Applicant respectfully submits that in the extremely crowded field of restaurant services, the visual, aural and commercial impression of the marks are, by far, the most meaningful elements of the analysis. Considering these key factors, there is no likelihood of confusion between Applicant’s mark and the cited registration. Accordingly, the refusal to register Applicant’s mark under Section 2(d) was improper.

**A. THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) and RUSTIC KITCHEN have different connotations and commercial impressions.**

Applicant respectfully submits that consumers' commercial impression of Applicant's mark THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) is starkly different than consumers' commercial impression of Registrant's mark RUSTIC KITCHEN. Although both marks may broadly conjure "rustic" to convey "simplicity," that is where the similarities end.

THE RUSTIC live music venue, restaurant, and patio, which sits on a 2.5 acre tract of land, conveys an American rural/ranch impression. Exhibits 1-3 & 15-24. The backyard patio is adorned with "picnic tables, Adirondack-ish chairs, wood-fired chimney boxes [and] folksy, free-for-all seating." Exhibit 18. The interior of the restaurant further conveys an American rustic style: "There, the tall ceiling suggests wide-open spaces. Distressed wood and tin accent the ranch theme, while communal tables and oversized booths ring the copper-topped, horseshoe shaped bar." Exhibit 18. Of course, THE RUSTIC is not just a restaurant, but a live music venue where, for example, Grammy-nominated country singer Pat Green has performed for large crowds. Exhibit 17

It is not just the atmosphere of the restaurant and patio that conveys the American rustic impression. Fox News has described The Rustic as having "a perfect menu dotted with Texas comfort dishes. There's quail, cactus, steak, burgers, even wild boar meatballs, and they're all locally sourced in the Lone Star State." Exhibit 19. The *Dallas Morning News* likewise described the menu as having a "backyard barbecue" theme. Exhibit 15. It offers "good, down-home comfort food" and invokes "most people's favorite memories... centered around a cookout," where consumers have a "... cold beer in hand, under the stars." Exhibit 15.

Applicant's mark THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) is a composite mark with several key, distinct elements that further convey the American rural ranch theme and emphasize the live music services as well:



The “I” in THE RUSTIC is shaped like a camp-style fork, as one would find on a farm or ranch, and the “R” contains the shape of a microphone to emphasize the “live music under the stars.” The subordinate line of the composite mark features the descriptive terms “KITCHEN,” “BACKYARD,” “BAR,” and “MUSIC,” communicating to consumers that THE RUSTIC is not just a restaurant but an experience that calls to mind “a campfire-cookout-under-the-stars story.” Exhibit 19.

A consumer will associate these distinct elements solely with THE RUSTIC and not with RUSTIC KITCHEN. It is absolutely unmistakable from the presentation of the applied-for mark that the name of Applicant’s establishment is “The Rustic.” In addition to the descriptive nature of the words “kitchen,” “backyard,” “bar” and “music,” their contribution to the overall impression of the mark is minimal. The subordinate line of text comprises only one ninth of the overall height of the mark. The height of the word “kitchen” is less than one fourth of the height of the word “RUSTIC” and only about one half of the height of the word “THE.”

In contrast, the commercial impression of RUSTIC KITCHEN is a rustic “Old World style bistro” and “lively bar-café” with an emphasis on rustic Italian food. Exhibit 25. Consumers, of course, think of rustic Italian as an entirely different concept than rustic ranch or rural “campfire-cookout-under-the-stars.” Exhibit 19. In keeping with its rustic Old World style bistro theme, the commercial impression of RUSTIC KITCHEN is European-style, with handmade pastas, signature cocktails and espresso drinks. Exhibit 25.

Additionally, “rustic” is traditionally used as an adjective in modern, American speech. And that is the true of the cited mark, where “rustic” is an adjective modifying “kitchen.” In contrast, Applicant’s addition of “THE” and omission of any word following “RUSTIC” converts the adjective “rustic” to a noun. This alone creates a unique mark that strikes the consumer’s mind as unusual and distinctive.

Finally, the Examining Attorney’s rejection of Applicant’s mark rests upon an absurd premise: that an ordinary consumer, when confronted with Applicant’s mark, will not only place equal importance on the subordinate line of text as on the dominant lines of text and distinctive visual elements but will cease reading the subordinate line after the word “kitchen.” As discussed below and throughout the prosecution record, the restaurant field is very crowded. The argument that an ordinary consumer confronted with dozens and dozens of restaurants whose name incorporates the term “rustic” would read Applicant’s mark to include the comparatively tiny descriptive word “kitchen” after “THE RUSTIC” but not “backyard,” “bar” or “music”—thereby confusing Applicant’s mark with the cited registration—simply doesn’t hold water.

In sum, while both marks share the word RUSTIC, the actual impression of what “rustic” means in each concept—Texas backyard “rustic” and Old World “rustic”—have no similarity, and Applicant’s transformation of “rustic” from an adjective to a noun creates a memorable, distinctive impression for consumers. Simply put, these differences result in different connotations and different commercial impressions. Consumer confusion is this highly unlikely.

***B. THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) and RUSTIC KITCHEN are dissimilar in their entirety as to appearance and sound.***

THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) and RUSTIC KITCHEN do not look alike or sound alike. The Examining Attorney’s argument hinges upon the mere coincidence of the descriptive term “kitchen” being placed in proximity to Applicant’s distinctive “THE RUSTIC” mark within a composite design.

The Examining Attorney argued that “THE RUSTIC” is the dominant portion of Applicant’s composite mark, based solely upon the respective sizes of each word in the mark and alleged descriptiveness of the disclaimed terms KITCHEN, BACKYARD, BAR and MUSIC. Applicant cannot disagree. However, while “THE RUSTIC” is the most prominent portion of the mark for the purpose of creating a commercial impression, it is not the sole relevant portion of Applicant’s mark for the purpose of a proper 2(d) analysis.

The Examining Attorney’s failure to consider the design elements of the microphone and camp-style fork and the disclaimed words other than “kitchen” flies in the face of the well-established principle that “marks must be compared in their entirety...likelihood of confusion cannot be predicated on dissection of a mark.” *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750 (Fed. Cir. 1985) (footnotes omitted) (citations omitted). The Examining Attorney’s conclusion does not “res[t] on consideration of the marks in their entirety.” *Id.* At 751.

Applicant’s mark contains both design elements and words that the cited registration does not. The relevant consumer would recall the retro-style microphone and playful fork icon in Applicant’s mark and is unlikely to believe that both Registrant’s self-styled “Old World bistro” and Applicant’s live music and dining establishment emanate from the same source. As such, it is improper to so casually dismiss the design elements of Applicant’s mark.

The Examining Attorney’s arguments also fail to explain how “kitchen” rises to such importance in Applicant’s mark overall, but “backyard,” “bar” and “music” do not. If the Examining Attorney has properly considered the marks in their entirety, giving such outsized importance to “kitchen” is insupportable. The marks are to be compared as RUSTIC KITCHEN vs. THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& design). Even assuming arguendo that the Examining Attorney is correct in calling “THE RUSTIC” the dominant portion of the composite mark for purposes of the 2(d) analysis, the comparison would be RUSTIC KITCHEN vs. THE RUSTIC (& design).

The Examining Attorney cannot include “kitchen” in the comparison without also including the microphone logo, the fork logo and the words “backyard,” “bar” and “music” and conduct a proper 2(d) analysis. As such, there is no plausible reading of Applicant’s mark consistent with *In re Nat’l Data Corp.* in which the comparison can be RUSTIC KITCHEN vs. THE RUSTIC KITCHEN.

Further, as discussed above, Applicant’s addition of “THE” preceding “RUSTIC” – particularly when combined with the lack of a subsequent word – disrupts the ordinary and expected flow when the mark is read or pronounced. While the addition of “THE” may not be wholly unexpected in a trademark, the lack of a following noun is. The visual and aural disruption of the preceding “THE” and lack of suffix distinguishes THE RUSTIC from the cited mark to the eyes and ears of consumers.

For the same reasons, Applicant’s mark “THE RUSTIC” also has a unique commercial impression that is readily distinguishable from the cited mark. Applicant’s use of “THE” is not the mere addition of a definite article in the manner discussed in *In re Thor Tech Inc.* or *In re Narwood Prods. Inc.* In those cases, the addition of the definite article “the” simply added an article to a mark that was already a noun. Both WAVE and MUSIC-MAKERS are unambiguously nouns.

Moreover, while Applicant’s mark and the cited mark are not identical, even identical marks may create sufficiently different commercial impressions when applied to the respective parties’ services so that there is no likelihood of confusion. See, e.g., *In re Sears, Roebuck and Co.*, 2 USPQ2d 1312 (TTAB 1987) (CROSS-OVER for bras held not likely to be confused with CROSSOVER for ladies’ sportswear); *In re British Bulldog, Ltd.*, 224 USPQ 854 (TTAB 1984) (PLAYERS for men’s underwear held not likely to be confused with PLAYERS for shoes); *In re Sydel Lingerie Co., Inc.*, 197 USPQ 629 (TTAB 1977) (BOTTOMS UP for ladies’ and children’s underwear held not likely to be confused with BOTTOMS UP for men’s clothing, the Board finding that the term connotes the drinking phrase “Drink Up” when applied to men’s suits, coats and trousers, but does not have this connotation when applied to ladies’ and children’s underwear). Accordingly, Applicant respectfully submits that if the foregoing

representative identical marks – and, in the case of CROSS-OVER and BOTTOMS UP, marks representing identical goods – can be said to have different commercial impressions, then it stands to reason that Applicant's THE RUSTIC mark is not likely to cause confusion among consumers as to the respective sources of Applicant's and Registrant's services.

In sum, Applicant's mark is readily distinguishable from the cited mark based upon the visual and aural differences in the marks and the unusual commercial impression of Applicant's mark.

***C. The services offered under THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) mark are readily distinguishable from the services offered under RUSTIC KITCHEN.***

As the specimens of record and additional evidence in the record make clear, Applicant's establishment is firmly rooted in two worlds: Applicant offers a full-service restaurant and bar with savory, delicious homestyle meals prepared with farm-fresh local ingredients, in addition to an expansive indoor/outdoor restaurant where music fans can enjoy live events in a relaxed, laidback atmosphere. Exhibits 1 & 14. The Rustic is a restaurant every bit as much as it is a music venue. The restaurant and "back yard" portion of Applicant's establishment is open every night, irrespective of whether a musical act is appearing.

There is no evidence in the record that the cited mark is used for live music concerts. The examining attorney implied that the differences in the marks' services was not relevant because live music venues frequently offer bar services and some food options as ancillary to the performances held. But there is no evidence in the record that restaurants offer performances of live music as ancillary to the serving of food and beverage. Regardless, neither Applicant's music venue nor its restaurant are merely ancillary to the other. This equal emphasis on both the dining experience and the music experience contrasts sharply with the establishments cited by the Examining Attorney as offering both restaurant services and a musical venue.



Because Applicant's services feature a most unique combination of equal billing for live music and fine food – and because the services claimed in the cited registration make absolutely no reference to music of any kind – Applicant submits that the services are readily distinguishable.

***D. Consumers of the parties' different services are careful.***

Both live music and hand-crafted cuisine attract a discerning clientele. As such, the consumers encountering Applicant's and Registrant's respective services make sophisticated, careful purchasing decisions.

Music lovers would select Applicant's establishment based on the musical performance occurring on a given day. They would not readily confuse Registrant's "Old World style bistro" – which does not appear to offer any musical performances – with Applicant's live music venue. It is inconceivable that a concertgoer interested in hearing Jesse Dayton play at The Rustic on New Year's Day would somehow believe that Registrant's bistro is the source of that event.

Likewise, patrons seeking to dine at a restaurant whose menu includes entrees that range in price from \$15.95 to \$28.95 (Applicant's) or from \$15.00 to \$38.00 (Registrant's) will be careful in their restaurant selection. Unlike a fast-food restaurant, both Applicant's and Registrant's respective menus attract diners who thoughtfully decide where to spend their evenings and how to spend their disposable income.

Accordingly, the types of consumers who seek either Applicant's entertainment services or Registrant's restaurant services are the type of sophisticated consumers who are not readily confused by marks that contain a common element.

***E. Applicant and Registrant co-exist in a crowded market place without confusion.***

Although coexisting registrations are not probative of the right of an applied-for mark to coexist with a cited registration, they are nevertheless instructive. The existence of coexisting registrations goes to the sixth *du Pont* factor – the number and nature of similar marks in use with similar goods/services.

TMEP 1207.01(d)(iii) states that, “third-party registrations may be relevant to show that a mark or a portion of a mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services. Properly used in this limited manner, third-party registrations are similar to dictionaries showing how language is generally used” (internal citations omitted). The following registrations, like the cited registration, also contain “RUSTIC” and claim services in the restaurant field:

- U.S. Registration No. 1688240 for RUSTIC INN (stylized) [Exhibit 4]
- U.S. Registration No. 1316282 for RUSTIC INN SEAFOOD CRABHOUSE (& design) [Exhibit 5]
- U.S. Registration No. 3362107 for RUSTICO COOKING [Exhibit 6]
- U.S. Registration No. 3577399 for RUSTIC STEAK [Exhibit 7]
- U.S. Registration No. 4124031 for PIZZA RUSTICA [Exhibit 8]
- U.S. Registration No. 4130533 for PIZZA RUSTICA (& design) [Exhibit 9]
- U.S. Registration No. 4185983 for RUSTIC BAKERY [Exhibit 10]
- U.S. Registration No. 4291722 for CAFE RUSTICA [Exhibit 11]
- U.S. Registration No. 4379099 for RUSTIC INN [Exhibit 12]
- U.S. Registration No. 4460853 for RUSTICO [Exhibit 13]
- U.S. Registration No. 4583909 for RUSTIC TAVERN [Exhibit 14]

In all, the cited registration is registered alongside eleven (11) other marks containing “RUSTIC” as an element by eight (8) different owners – and was registered *after* seven (7) of them. The registration for RUSTIC TAVERN at Exhibit 14 was even issued during the pendency of the subject application.

The scope and quantity of use of marks containing “RUSTIC” alongside the cited registration clearly demonstrates that “the consuming public is exposed to third-party use of similar marks on similar goods.” TMEP 1207.01(d)(iii). As such, Applicant respectfully submits that the Examining Attorney has failed to “consider the extent to which dilution may indicate that there is no likelihood of confusion.” TMEP 1207.01(d)(x). The relevant consuming public is accustomed enough to encountering marks in the restaurant sphere that contain “RUSTIC” that they will doubtless look to other elements to distinguish the source of the respective services.

This conclusion is buttressed by the fact that there has been significant concurrent use of the marks with no evidence of actual confusion. Given that the cited registration claims that the services rendered under RUSTIC KITCHEN were first rendered in interstate commerce in 2001 and Applicant's mark has been the subject of extensive media coverage and wide publicity for more the two years, the lack of any incidents of actual confusion with the cited Registrant's services is telling.

### **CONCLUSION**

Applicant respectfully submits that its THE RUSTIC KITCHEN BACKYARD BAR MUSIC (& DESIGN) mark is not confusingly similar to the RUSTIC KITCHEN mark with respect to visual and aural impression or commercial impression, and that the parties' respective services are readily distinguishable. Moreover, both marks co-exist without confusion in a crowded marketplace. Accordingly, consumer confusion is unlikely and the Examining Attorney's rejection under § 2(d) was improper.

Dated: December 14, 2015

Respectfully submitted,

/s/ Elisabeth A. Evert  
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Attorney for Applicant

# THE RUSTIC

KITCHEN • BACKYARD • BAR MUSIC

HOME | KITCHEN + BAR | BACKYARD | MUSIC + EVENTS | SHOP | CONTACT US



## A Taste as Big as Texas



**WE SOURCE LOCAL INGREDIENTS AND SPIRITS** -Our menu features seafood from the Gulf, steak sourced from local ranchers and dairy and produce grown by local farmers. Enjoy down-home food with a twist, made from scratch daily in our kitchen. Our bartenders pour the most prolific collection of Texas beverages around; We have 40 beers on tap, 30 of which are Texas craft beers, and a collection of local spirits and wines. Whether you have a love of local craft lager, a taste for Tito's Vodka made in Austin, or a sweet spot for local wines, our bar selection is sure to quench your thirst. Cheers.

Members of the military and uniformed police officers, firefighters and paramedics receive 25% off food, every day.

Visit our [events page](#) for shows, special food events, brew nights or other events happening at The Rustic.

### VIEW

[Food](#) [Drink](#) [Download PDF](#)

## OPENING ACT

(A WARM UP FOR THE TABLE TO SHARE OR A PERFECT SMALL BITE)

### TEXAS GOAT CHEESE

topped with slow roasted garlic & hill country olive oil, served with wood grilled baguette / 10.95

### CALF FRIES, BUTTERMILK DIP

if you have to ask.... / 6.95

### COLD QUESO

pimento cheese & pickled jalapenos, served with smoked salt potato chips / 7.95

### CRAB QUESADILLA

gulf crab, baby spinach, niman ranch bacon with sriracha aioli / 12.95

### WILD BOAR MEATBALLS

over smooth black beans / 8.95

### CHORIZO EMPANADAS

housemade sausage with ancho chili, texas tequila & potato, served with corn queso for dipping / 8.95

### CACTUS FRITTERS

beer battered & served with red buffalo ketchup / 5.95

### SALT N PEPPER DEVILED EGGS

our twist on the classic / 6.95

### DOUBLE DIP

smoked salt potato chips, served with our creamy corn queso and rustic onion-y dip / 6.95

### DUCK WINGS

bigger & better than a chicken wing, tossed in a spicy mango sauce / 12.95



# THE RUSTIC

KITCHEN • BACKYARD • BAR MUSIC

## SHOUT OUT

TO A FEW OF OUR FARMERS, SUPPLIERS & ARTISANS!

BARKING CAT FARMS (Heath, TX)

COMEBACK CREEK (Pittsburg, TX)

VITAL FARMS (Austin, TX)

EAGLE MOUNTAIN CHEESE (Granbury, TX)

CAPRINO ROYALE (Waco, TX)

VELDHUIZEN CHEESE (Dublin, TX)

TK'S WAGYU EXCELENTE (Dallas, TX)

BROKEN ARROW RANCH (Ingram, TX)

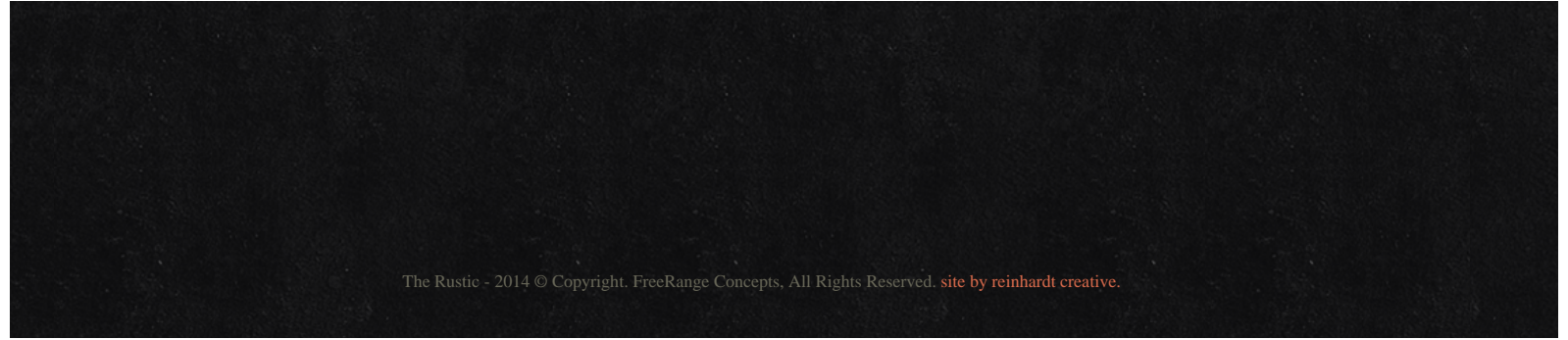
TGH FARMS (Stephenville, TX)

## SALADS

(ADD WOOD GRILLED TURKEY BREAST, CHICKEN OR SHRIMP TO ANY SALAD FOR \$5)



\*Consuming raw or undercooked meats, poultry, seafood or eggs may increase the risk of food borne illness. Automatic gratuity of 20 percent will be added for parties of 8 or more.



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HOME | KITCHEN + BAR | BACKYARD | MUSIC + EVENTS | SHOP | CONTACT US

## Where the Stars of Texas Shine

**EVERYTHING IS BIGGER IN TEXAS** – Designed to accommodate both large and intimate shows from local and national artists, The Rustic is an expansive indoor/outdoor restaurant where music fans can enjoy live events in a relaxed, laid-back atmosphere. View our calendar below for upcoming shows and events.

Want to book your next event with us, press “Private Event Inquiry” to start!

**-Private Event Inquiry-**

Taking Uber? Use the promo code “THERUSTIC” to get \$20 off your first ride!

Would you like big announcements delivered directly to your inbox? Sign up for our **MAILING LIST!**



EVENTS IN

SEARCH

NEAR

Find Events

VIEW AS

 *Month*

### Events for December 2014

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
30 Ty Mayfield	1 The FAME	2	3	4 Dan Rocha Jr. Drew Fish Band	5 Cody Bryan Band – Front Yard Private Event – Indoor & Backyard	6 Jack Mason Airstream Tour The Jukebox Mafia Bobby Duncan Ryan Tharp
7 Sam Anderson Hot House Event	8 BREW NIGHT – Martin House – \$4 Schooners The FAME	9	10 Kaylee Rutland	11 Dan Rocha Jr. Venetian Sailor	12 David Neff Aaron Einhouse	13 Brannon Barrett Kyle Brooks Shanè Smith & The Saints

14	15	16	17	18	19	20
Dan Rocha Jr.			Chris Michael	Dan Rocha Jr.	Mike Schikora	Brannon Barrett
WATCH PARTY: Dallas Cowboys vs Philadelphia Eagles				Danny Dash Andrews & The Out of Scopes – Michael Jackson Tribute	Paul Cauthen	Ole G & Haylie B
						Somebody's Darling
21	22	23	24	25	26	27
Schrag Jazz Trio			The Trophy Wives	CHRISTMAS DAY – Tamales & Tequila, Let's #DrinkTheTree!	Prag Padilla	Sam Anderson & David Matsler
					Jonathan Fox Band	Troy Cartwright
						Scott Dean
28	29	30	31			
Michael Hearne & Steve Layne			NYE – Live Music & Midnight Champagne Toast	Tony Ramey	The Washers	Brannon Barrett
			Votary	Jesse Dayton		Phil Hamilton

« November

January »

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## The Rustic



370 reviews

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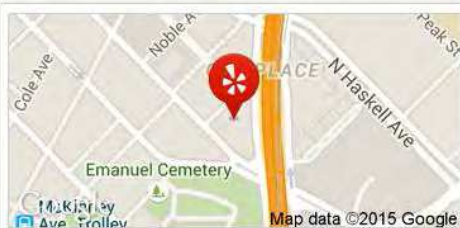
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3656 Howell St  
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Uptown

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therustic.com

Edit




Chicken plate, (substituted the normal... by William M.



See all 315 photos

The Rustic - Bars - Uptown x


www.yelp.com/biz/the-rustic-dallas?start=40



**Joelle K.**  
Dallas, TX  
8 friends  
13 reviews

★★★★★ 5/18/2015

Let me start by saying, if you haven't been yet, it should be at the top of your list! The atmosphere is awesome, one of the best patios in Dallas plus it has live music! I reserved tables for my birthday and the event coordinator Marque was great. Once we got there we were treated by our servers Stephanie and Jessica, who were hands down some of the best I've ever had!!! These girls were fun, friendly and despite a 40 min backup at the bar, got us our drinks as fast as they could. I couldn't have been happier... Thank you for making it a great night!



The Rustic - Bars - Uptown x

www.yelp.com/biz/the-rustic-dallas



**Erica L.**  
Spring, TX  
28 friends  
8 reviews

★★★★☆ 5/8/2015

1 check-in

The Rustic is a fantastic "Texas" spot. Love listening to live music. There is something for everyone here. The food is unique and delicious! Quail was cooked perfectly and seasoned amazingly. The goat cheese appetizer was so stinking good. It gets really packed and hard to find a table, so those are the only down sides. But the atmosphere is hands down bad a\*\*.



**Jim M.**  
Clovis, CA  
2 friends  
19 reviews

★★★★★ 5/3/2015

So glad we found this place in Dallas. Arrived at about 6pm on a Saturday night. Place was packed already with people everywhere. Very cool open air concept with great music setting the tone. Crowd was younger but all ages were having fun. Food was great! Definitely recommended if your visiting Dallas.



**Shariq H.**

Dallas, TX

79 friends

47 reviews

Elite '15

★★★★☆ 4/9/2015

✓ 2 check-ins

I really didn't like this place when I walked in - way crowded and nowhere to go.


Yet, somehow, we were able to find a seat within five minutes outside and the weather was fantastic. If it's cold out, good luck. A waitress somehow knew we weren't being served and allowed us to order quickly and she remained attentive. And we somehow got our drinks and food in a (somewhat) reasonable amount of time. They have a awesomely large selection on tap and the food is actually quite good. They had a live band playing outside on the patio - which is as large as in the inside - that was actually pretty good.

For the food, they were out of calf fries (thankfully!). For those of you that don't know what they are... I don't either and I don't want to. So instead we got the Texas Goat Cheese which was very good. Other than that, we ordered a couple of the Rustic Burgers - they were an awesome blend of taste and a good headliner item that comes with potato chips (lays I'm pretty sure) and some pickles (ew). The menu isn't too extensive but that's ok as long as the few things they have are good.

I give it a 3 because the place is really loud - extremely loud. I felt like I couldn't be a part of the conversation within my group of five only. Also, seating will be impossible for larger groups even though The Rustic itself is beyond large.




The Rustic - Bars - Uptown x  
www.yelp.com/biz/the-rustic-dallas?start=40

 **Ashley F.**  
Coppell, TX  
19 friends  
28 reviews

★★★★☆ 4/27/2015

I've only come here for drinks, but this place is alright. I've heard they have live music, but haven't been here during it. The drinks are just so so, with typical pricing for this area. In the evening it gets crazy crowded and nearly impossible to find a seat. It's difficult to catch a waiter or waitress to get a drink, so often times you're forced to go up to the bar and wait in that line to get a drink or service. It's a neat venue with a lot of potential, but it fills up very fast. Very casual or country dress. I typically don't come here on weekends due to the crowd.

The Rustic - Bars - Uptown x  
www.yelp.com/biz/the-rustic-dallas?start=80

 **Lauren T.**  
Dallas, TX  
230 friends  
224 reviews  
Elite '15

★★★★☆ 1/27/2014

The Rustic is one of those places in Dallas like Katy Trail Ice House.... Love it or hate it, you have to at least try it once. Lucky for me, I happen to love this establishment! One thing uptown doesn't have a lot of is country-themed bars, and this place fills the void with flying colors (although nothing is TRULY country in uptown). I haven't tried the food here, but the drinks are tasty and the atmosphere is bustling.

The Rustic is usually pretty packed, so be prepared to valet or search extensively for parking. You can come here dressed down or dressed up, and it is a great spot for happy hour or game day. This will be the first springtime in Big D for the Rustic, and I can see myself frequently coming here with friends on many sunny Saturday afternoons. Stay tuned!

From the Dallas Business Journal

[:http://www.bizjournals.com/dallas/print-edition/2013/04/05/uptown-restaurantmusic-venue-gets-5.html](http://www.bizjournals.com/dallas/print-edition/2013/04/05/uptown-restaurantmusic-venue-gets-5.html)

# The Rustic brings new dining, entertainment concept

SUBSCRIBER CONTENT: Apr 5, 2013, 5:00am CDT Updated: Apr 4, 2013, 3:11pm CDT



[Candace Carlisle](#)

Staff Writer- Dallas Business Journal

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The half-built stage near the northwest corner of Lemmon Avenue and North Central Expressway in Uptown doesn't look like much, but the forces behind Dallas-based Free Range Concepts LLC hope it will become the center of a restaurant and music venue known as The Rustic.

Even if it is only temporarily.

"We are really in the center of one of the densest populated areas in Texas, but you have this open-air, park-like setting that's pretty unique," said [Kyle Noonan](#), developer and co-founder of Free Range Concepts, which also developed the Sunset Lounge off Ross Avenue and Bowl and Barrel in The Shops at Park Lane. Noonan and [Josh Sepkowitz](#), co-founder of Free Range Concepts, oversee the project.

The nearly 8,000-square-foot restaurant and bar is scheduled to open in July. Plans include a stage for outdoor concerts, picnic tables and various open-flame grilling areas featuring different styles of wood to add flavor to [Chef Sharon Hage](#)'s menu. Hage is an of-the-moment consulting chef that has developed menus for new concepts including The Lot and Bowl and Barrel.

The Rustic is being developed in partnership with singer-songwriter [Pat Green](#).

This likely won't be the last real estate built on the 2.5-acre tract of land, which sits next to the trolley turntable and Cityplace DART station. The last hurrah will belong to property owner Cityplace Co.

## Eyeing bigger plans

When Cityplace bought 131 acres of land two decades ago, the development company set aside

the best parcel.

The Rustic will be there for five to 10 years, said [Neal Sleeper](#), president of Cityplace Co.

"As opposed to developing that first, our plan has always been to develop our best property last," Sleeper said. "This is a great way to put this land to use and generate activity without doing anything permanent in nature."

What's the end-game for this lot? A 43-story, half million-square-foot office tower with a retail component, Sleeper said.

The project would play off the high-density surrounding, including Forest City's \$100 million residential and retail high-rise next to the West Village. But that's a long way off, he said.

"We aren't even tempted to think about doing another development until someone just has to have a half-million-square-foot building," Sleeper said.

But until then ...

The Rustic will create another social space in Dallas, said Noonan, who doesn't mind facing a short-term future. He declined to disclose the company's investment into The Rustic, which can accommodate about 400 people.

The project is exciting for the neighborhood, said [Amy Gibson](#), executive director at Uptown Dallas Inc., a nonprofit that oversees the Uptown Public Improvement District.

"It's important to Uptown, which is the most densely populated neighborhood in Dallas," Gibson said, adding that green space was an important commodity to the neighborhood, which recently began remodeling Griggs Park at the northwest corner of Woodall Rodgers Freeway and North Central Expressway.

Within 500 yards of The Rustic, there are roughly 3,000 apartments or condominiums, Noonan said, who pulled the area's statistical information before tackling the project. Uptown's population has increased 80 percent over the past decade to about 13,000 residents, in part because of the high-rise apartment and condominium development.

Free Range Concepts is also working on its fourth venture, a restaurant/bar/dog park concept dubbed Mutts Canine Cantina, scheduled to open adjacent to The Rustic in May.

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Candace covers commercial and residential real estate and sports business.

## INSIDE PAT GREEN'S MASSIVE NEW VENUE AND RESTAURANT IN DALLAS, THE RUSTIC

BY KELLY DEARMORE

FRIDAY, OCTOBER 11, 2013 | 2 YEARS AGO



*Mike Brooks*

"Hello! Here we have calf-fries with a touch of Tabasco, would you like one?" asks an attractive female server wearing tighter-than-tight jeans and boots.

For the first time in this Texan's life, the answer was yes, and it's a good thing it was (spicy wild boar meatballs and juicy shards of fried cactus were also warmly welcomed by this native Texan). The way in which the seemingly crude appetizer of deep-fried balls from some farm animal wasn't only tasty, but an elevated form of hors d'oeuvre, made for the best metaphor to describe the opening night of *The Rustic* -- a mix of whimsical Texas charm, Dallas money and good ol' fashioned creative vision.

See also: *Pat Green talks about the stripped-down approach to his new album*







*Mike Brooks*

The venue, a new dining concept and concert venue from the minds of Texas Country torchbearer **Pat Green** and the Dallas-based **FreeRange Concepts** (Bowl and Barrel, Mutt's Cantina) certainly held up its end of the bargain last night at the grand opening.



*Mike Brooks*

The entire venue, from the 40-plus beer taps under an American flag fashioned out of empty beer cans to the outdoor concert area was gorgeous, but it also had a casual feel that gives it a chance to embrace those who don't normally make Knox-Henderson Happy Hours a regular part of their week. There were plenty of rustic elements to be seen, aside from the beer-can flag, such as the varying types of wood that covered the walls which gave the interior of the restaurant the vibe of a cabin, albeit a fancy one. Portions of steel barrels functioned as light fixtures above the comfortable, curved booths.

There's considerable on-site parking and easy street-parking access -- not usually a part of Dallas' Uptown area.



*Mike Brooks*

And the music venue has proper ambitions, with plans to host local music up to four nights a week, along with larger national acts a couple of times a month along Central Expressway. The whole thing feels like something that wouldn't normally happen here. Green, a member of Texas Country royalty, has a simple, but profound vision for the restaurant's musical aspect.





*Mike Brooks*

"We'll have 30 big-ticket shows a year here," he explains as he provides a tour through the bar-area and into the outdoor concert venue as gawkers stalk about a couple of hours before he would hit the stage."But this is a restaurant first, not a music venue. People are going to come here for the food and the drinks. It has to be that way for this to work, I think."



*Mike Brooks*

And yes, people were there for the drinks and were pleasantly surprised by the food, as local luminaries such as former Dallas Star goalie Marty Turco, Texas Ranger Ian Kinsler and legendary chef Dean Fearing were all on-hand. And as the perfectly weathered Dallas sky grew dark, the crowd of over one thousand gathered outside in the backyard biergarten area awaited the singer who has provided the soundtrack for innumerable college-years road-trips to christen the venue appropriately.

Even when down near the front of the crowd near the stage, it never felt jam-packed, which was nice, as it's tough to imagine a thicker crowd than one for a Pat Green show on the opening night of his own venue. As Green launched into perhaps his most beloved song, "Carry On," to start the show, the sound was clear, with stacked amps aplenty on each side of the stage (a massive wooden structure with large, lit-up letters spelling out the venue's name atop it) to appease the folks in the back of the yard. And the sight lines are excellent all the way back to the grassy area by the fence that backs up to the southbound service road for Central Expressway,

Local Country artist Deryl Dodd, who gigs more in Ft. Worth than Dallas, made a point to see the place, and he thinks The Rustic could be such a great development for the Dallas country music scene. "There's no other place like this in Dallas," he says. "The location, The sound, the

lighting, it's all perfect."



*Mike Brooks*

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## Restaurant Reviews

# Restaurant review: At the Rustic, it's all about smoke and great Texas beers ★★★★★

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By KIM PIERCE

Special Contributor

Published: 19 December 2013 03:52 PM

Updated: 20 December 2013 10:16 AM

Remember the illuminated “home” sign in Stanley Kubrick’s *Clockwork Orange*? “RUSTIC” in garish marquee lights blazing above the outdoor stage smacks of similar irony.

Down in the Rustic’s “backyard,” among the picnic tables, Adirondack-ish chairs, forest of heaters and wood-fired chimney boxes, it’s folksy, free-for-all seating. The party next to us rushes over to check out our flames. The fire monitor drops by with fresh logs. Who cares if the temperature’s in the 40s? You can eat with gloves on. Even my reluctant, curmudgeonly companion has to admit it’s fun.

Part concert venue — metal doors roll up on two sides of the stage — part sports bar and part farm-to-table restaurant, the latest entry from Free Range Concepts, in partnership with singer Pat Green, plants a little patch of Texas dreamin’ amid Uptown’s high-rises and cranes. Partners Josh Sepkowitz and Kyle Noonan also brought us Mutts next door and Bowl and Barrel.

Getting a table inside can be tricky on nights when weather makes outside seating impossible. When that’s the case, you can wait up to two hours for a spot in the dining area. There, the tall ceiling suggests wide-open spaces. Distressed wood and tin accent the ranch theme, while communal tables and oversized booths ring the copper-topped, horseshoe-shaped bar. At the opposite end of the room, behind the dining area, windows separate

patrons from the business of the smoke.

Smoke is a big deal here. The kitchen crew fires up different woods each day, even if few people can distinguish oak-grilled from pecan-smoked. Executive chef Matt Balke, most recently of the Bolsa fold, oversees the team that turns out artfully smoke-infused dishes, none more startling in its goodness than the grilled rustic bread with satiny, artisanal Caprino Royale chevre from Waco.

Balke conspired with former York Street boss Sharon Hage and Noonan to create the high-minded comfort menu, exemplified by deviled eggs crowned with crackling-good fried chicken skin or wild boar meatballs cleverly bedded on puréed black beans. The “bright” confetti slaw flanking many entrees earns its name, and apple-cider vinaigrette gives baby kale salad with corn, pinto beans and carrots just the right lift.

A nice, smoky edge invigorated the gooey Rustic burger on a challah bun, whose promised brisket is minced and embedded in the cheddar. Just-right smokiness imbued juicy molasses-brined quail and achiote-anchó-rubbed free-range chicken, too. The latter got even better with a swipe through wondrous lemony, buttermilk-based mustard “barbecue” sauce. Delivery was snappy, and this place can seat more than 500.

For dessert, the Key lime pie is classic. But the towering peanut-butter-mousse pie on a fudge-draped, chocolate-cookie crust is the talker here, with its sweet-bitter, creamy-crunchy two-step.

It feels like short shrift to only now mention the 34 Texas craft beers on tap, with more in bottles. They’re anything but an afterthought, although the same can’t be said for the wine list and its smattering of Texas wines.

All this raises the question: Is it possible for a venue to overestimate its clientele? Does the football or music fan who treasures his Rogness Rook really notice artisan goat cheese? Local greens? Fabulous Texas quail? For the sake of diners who adore such things, here’s hoping the commitment to quality endures.

*Kim Pierce is a Dallas freelance writer.*

### **THE RUSTIC (3 stars)**

**Price:** \$\$\$ (appetizers \$5.95 to \$8.95, salads \$8.95 to \$13.95, sandwiches \$8.95 to \$11.95, entrees \$13.95 to \$28.95, desserts \$6.95 to \$7.95)

**Service:** Snappy, earnest, on the ball and fluent with Texas craft beers

**Ambience:** Uptown Texas ranch with a laid-back “backyard” and two-sided live music stage that opens onto the outdoor seating and the dining room



**Noise level:** Amazingly, never too loud for conversation, even when there's live music. Only when the big sports events (read: football games) blare over the high-def screens is talk impossible.

**Location:** 3656 Howell St., Dallas; 214-730-0596; [therusticrestaurant.com](http://therusticrestaurant.com)

**Hours:** Sunday–Thursday 11 a.m. to midnight, Friday–Saturday 11 a.m. to 2 a.m.

**Reservations:** Accepted only for parties of 20 or more. When the weather makes outside seating unfeasible, waits can be long.

**Credit cards:** All major

**Wheelchair accessible:** Yes

**Smoking:** Outdoors in the backyard

**Alcohol:** Full bar, with 34 Texas craft beers offered on tap and a pretty good lineup of Texas spirits. Texas wines and wine in general play second fiddle.

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# The Rustic in Dallas offers hometown music and good-ol' Texas comfort food

By Elizabeth Saab

Published April 04, 2014 | FoxNews.com

Tens of thousands of basketball fans have descended on Dallas this weekend for the Final Four. And it's a safe bet that many of them will head over to Grammy-nominated country singer Pat Green's The Rustic – a short drive from AT&T Stadium, where the NCAA men's basketball championship game will be held.

Thankfully, the 2 1/2-acre restaurant and music venue isn't in a remote part of Texas. It's actually in the middle of Uptown, one of Dallas' busiest neighborhoods.

Green and Free Range Concept partners Josh Sepkowitz and Kyle Noonan dreamed up the idea around the campfire.

"We had some cold beers and we were grilling out over this open flame and we had this aha! kind of moment," co-owner Noonan says. "And we said, everybody loves this experience. I think everybody can relate to a campfire-cookout-under-the-stars story, and we thought, couldn't we recreate that in an urban setting or something somewhere?"

The trio spent about a year to put it together, from scouting locations to building the perfect ... well ... "Rustic" atmosphere – complete with an American flag made out of beer cans (they offer nearly 40 Texas craft beers on tap).

The outdoor patio boasts of trees and live music under the stars, and the lineup includes Green. "When he comes here and plays, people talk about it for weeks afterwards," Noonan said. "It's so cool. It's such a neat experience to see him live. It's a blessing to have him a part of The Rustic."

And, of course, there's the food – a perfect menu dotted with Texas comfort dishes. There's quail, cactus, steak, burgers, even wild boar meatballs, and they're all locally sourced in the Lone Star State. Noonan wouldn't have it any other way.

"It's a healthier way to eat, but at the end of the day, it's a better tasting product. When you get something that came a few miles from you as opposed to a few thousand miles from you – it's just going to taste better."

The 7-month-old restaurant was a hit the minute they opened the doors. More than three thousand people showed up on the first night, and Noonan admits even he was surprised.

"The old adage, 'Be careful what you wish for,' really became true for us," he said. "We felt like we got hit by a hurricane. There's just no way to really prepare for that. But we've got our sea legs now."

Yes, they do. The Rustic has just been named the highest grossing restaurant/bar in Texas. "It really is a proud thing for us and the staff, and it shows that your hard work can pay off."

Noonan says there are plans to expand. They're hoping to open The Rustic in Houston and San Antonio in the next 18 months. Sepkowitz and Noonan also are the team behind Dallas' Bowl and Barrel and the popular Mutt's Canine Cantina, the outdoor burger bar and dog park next door to The Rustic.

Not bad for two guys who met in college and started their business a little over a year ago. And then to convince one of the most successful country singers in Texas to open a restaurant? Pretty impressive for such a young company.



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The Rustic



photography by Louie Solomon

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214-730-0596 (phone)

[Official Website](http://www.therusticrestaurant.com)  
(<http://www.therusticrestaurant.com>)

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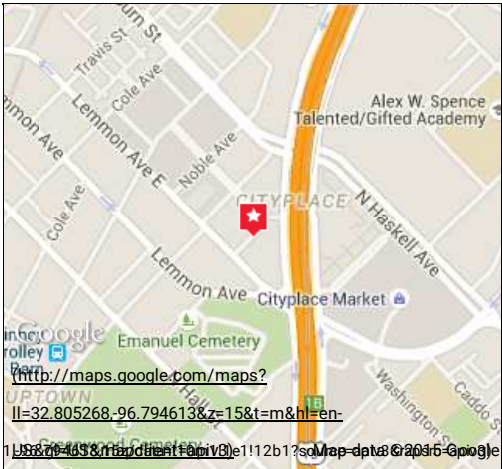
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PROFILE

This new, Texas-themed restaurant bar, located in the heart of Uptown, is brought to you by Josh Sepkowitz and Kyle Noonan of Bowl & Barrel and Mutt's. The menu offers 40 beers on draft which, should be taken outside for a spot on the patio. Also known as "Pat's Backyard," The Rustic's outdoor space, which is named after country singer and part-owner Pat Green, comes fully equipped with picnic tables, fire pits, a grassy hill, and an outdoor concert space. Stop by on a weekday for a relaxing and family-friendly



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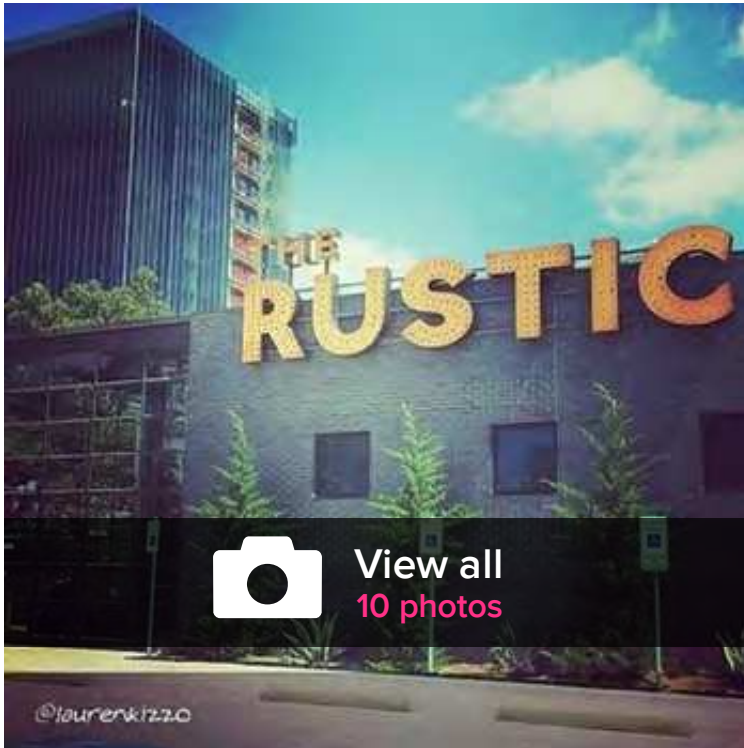
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# The Rustic Rules Dallas

September 15, 2014

9:30 AM MST



Facebook

## The Rustic: Kitchen, Backyard, Music & Bar

Rating: ★★★★★

There's nothing rusty about [Dallas'](#) best [bar](#), The Rustic. Shy of just their one year anniversary, The Rustic brings positive energy, live music and an awesome staff scattered across the gigantic establishment, both inside and out. Before The Rustic, Katy Trail Ice House was the patio to go to & bar to watch football and people watch. Sorry, Katy Trail, I love you guys, but The Rustic and owners behind this brilliant concept mastered the imaginative creation of what an outside patio should look like.

The Rustic's outside is designed almost like The Gexa Energy music venue; a lawn, middle section with tables and the stage. People sit on the lawn, make new friends at shared picnic tables or dance right next to the stage during a live performance. Behind the stage shines this huge sign spelling out THE RUSTIC & truly gives the feeling that you're at legit concert with waiters & waitresses bringing you what you want in a timely manner. Everything about this place is stellar; the food, the vibe and management style. A manager always stops by to make sure you're experience is great.

'With a relaxed casual atmosphere, it's a place where anyone can feel at home. Enjoy authentic local beers, wines, and spirits served by a friendly staff. Listen to live music from local and national artists, and take it all in from their award winning patio.

Their menu features seafood from the Gulf, steak sourced from local ranchers and dairy and produce grown by local farmers. Each one-of-a-kind creation is made from scratch in their expansive kitchen. Enjoy down-home food with a twist you won't find anywhere else.

The Rustic's local commitment doesn't stop in the kitchen; the bartenders pour the most prolific collection of Texas beverages around & are some of the coolest bartenders I've come across in awhile. I interviewed bartenders, owners and general managers of bars all across the United States for a television show, 'Bar Masters' & must say The Rustic scored with the talent they have. The Rustic also has 40 beers on tap, 30 of which are Texas craft beers, and a collection of local spirits and wines. Whether you have a love of local craft lager, a taste for Tito's Vodka made in Austin, or a sweet spot for local wines, their bar selection is sure to quench your thirst.'

The Rustic is located at the corner of Lemmon Ave & 75 in uptown Dallas and is brought to you by FreeRange Concepts & Pat Green.

For all inquiries regarding planning parties for 20 or more people, please contact Erin with Encore Live at (817) 996-2122 or [erin@encorelive.com](mailto:erin@encorelive.com).

For inquiries regarding performing at The Rustic and production, please contact [bandbooking@encorelive.com](mailto:bandbooking@encorelive.com).

<https://www.facebook.com/therusticdallas>

<http://therustic.com/>

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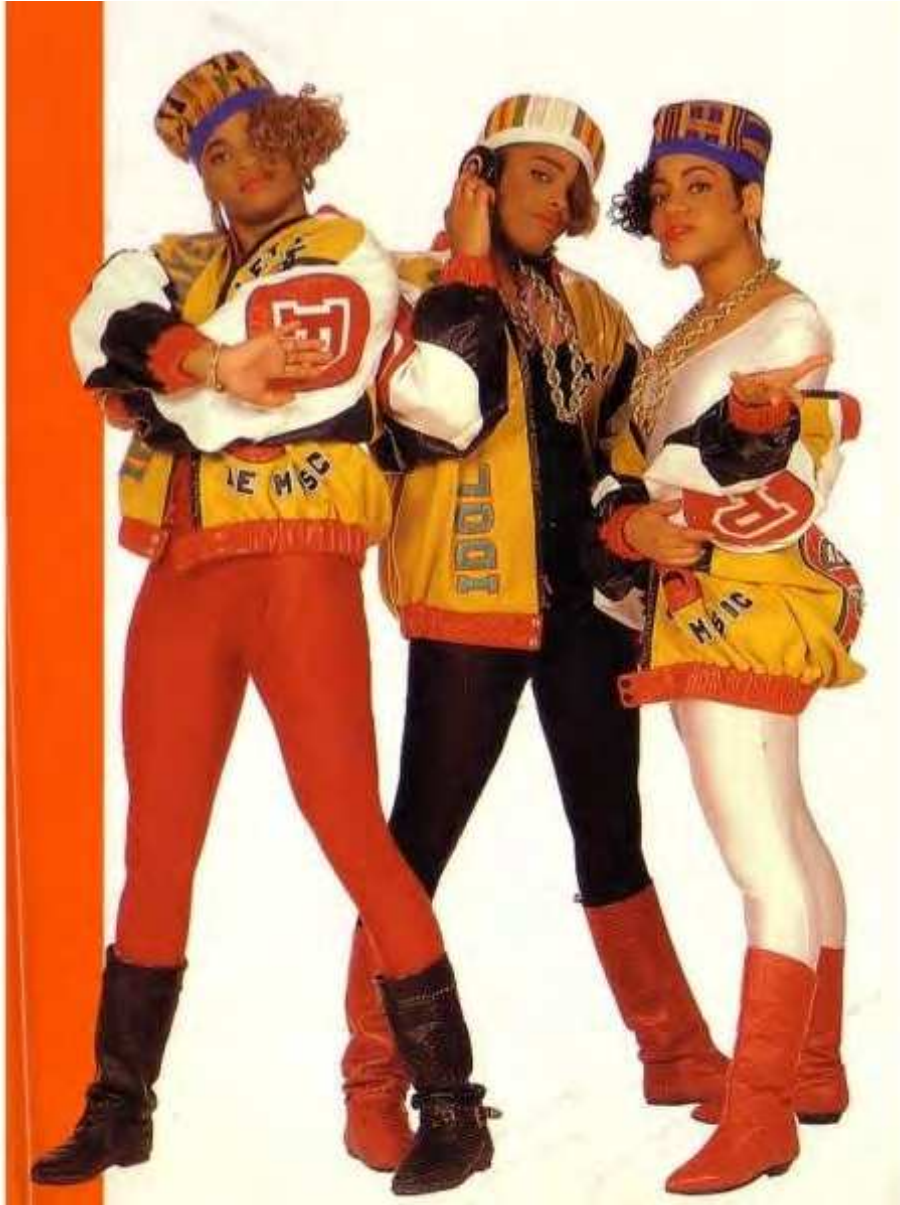
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Salt-N-Pepa Live at The Rustic, Uptown Dallas, Oct. 31



By: [Farrah Blakely](#) AXS Contributor Oct 26, 2014  
2429241 485982 16541761 6 y2014m10d26



For any '90s hip-hop music lovers, Salt-N-Pepa will be at The Rustic in Uptown Dallas Oct. 31 for a live performance. The Grammy award winning all-female rap crew will be dropping dope lyrics from their many hits from the '90s. If you were not a teen in the '90s, poor you, you missed out on some of the best hip hop music of all time. There will never be another era of hip-hop music that will be this good. I'm just saying.

Salt-N-Pepa were the first female rap artists to dominate the rap industry during a time when male rap artists where



spewing degrading lyrics about women and creating coastal uproar with rap wars between the east and west coast. These show stopping females made hit after hit gaining industry wide respect for having upbeat, fun, and controversial rap songs that made you want to dance, their music was contagious.

Who can forget their first album with the hits “Ooh Baby, Baby” and “Push it”. They were regulars among Yo! MTV Raps top 10 artists. Umm...for you millennials that was a show on MTV that highlighted only rap videos. Yeah, back in the '90s MTV showed actual music videos.

Salt-N-Pepa took female empowerment to whole other level in the '90s with the message that women were just as powerful as men and that their power was just as fierce with their sex appeal as it was with their lyrics; remember their hits like “Shoop”, “Express yourself”, “Whattaman”, and “Let’s talk about sex”.

This will be a fun and lively performance. A great outing for the Halloween weekend. The Rustic is a great outdoor music venue with an intimate and relaxed atmosphere, friendly staff, and great food. Order with the Rustic Burger, you won't be disappointed.

“The Backyard”, this is where the live music takes place, its layered with picnic tables, string lights, and oak [trees](#). It really does feel like in your friend’s backyard listening to music and having a few drinks. It’s Dallas’ newest hot spot located in the trendy and always well populated Uptown area between Blackburn Street and Lemmon Avenue. Get your tickets, only \$26, at [Outhouse Tickets](#) or check [The Rustic website](#) for more info.



By: [Farrah Blakely](#) AXS Contributor

Oct 26, 2014

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## PHOTOS



01 May 2015: Draft party of the Dallas Cowboys at The Rustic in Dallas, Texas. Photo b...



### Cowboys Draft Party At The Rustic

Images from Friday night's Draft Party at the Rustic.



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The rocking Roomsounds take the stage. Photograph by [Claire McCormack](#).

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The Rustic | Dallas | FIJI W

www.fijiwater.com/article/the-rustic/

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The rocking Roomsounds take the stage. Photograph by [Claire McCormack](#).

ISSUE 12: DALLAS

THE RUSTIC

A sprawling Uptown hotspot set on 2 1/2 stylishly "wild" acres, The Rustic offers everything you need for a rocking night out—from a live music venue and a restaurant serving locally-sourced home cooking to comfy lounges and campfires and a tap list featuring more than 40 Texas craft beers.

3656 Howell St.  
Dallas, TX  
(214) 730-0596  
[therusticrestaurant.com](http://therusticrestaurant.com)

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Int. Cl.: 42

Prior U.S. Cl.: 100

**United States Patent and Trademark Office**

**Reg. No. 1,688,240**

Registered May 19, 1992

**SERVICE MARK  
PRINCIPAL REGISTER**



W. & O., INC. (FLORIDA CORPORATION), DBA  
RUSTIC INN  
4331 RAVENSWOOD ROAD  
FT. LAUDERDALE, FL 33304

FOR: RESTAURANT SERVICES, IN CLASS  
42 (U.S. CL. 100).

FIRST USE 6-10-1956; IN COMMERCE  
6-10-1956.

OWNER OF U.S. REG. NOS. 1,316,282 AND  
1,317,407.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE INN , APART FROM THE  
MARK AS SHOWN.

THE LINING SHOWN IN THE DRAWING  
APPEARS TO BE A FEATURE OF THE MARK  
AND NOT INTENDED TO SHOW COLOR.

SER. NO. 74-162,350, FILED 4-30-1991.

KIMBERLY BURKE, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 100

**United States Patent and Trademark Office**

**Reg. No. 1,316,282**

Registered Jan. 22, 1985

**SERVICE MARK**  
Principal Register



W. & O., Inc. (Florida corporation)  
4331 Ravenswood Rd.  
Ft. Lauderdale, Fla. 33312

For: RESTAURANT SERVICES, in CLASS 42  
(U.S. Cl. 100).

First use 1981; in commerce 1981.

No claim is made to the exclusive right to use  
"Inn", "Crabhouse" and "Seafood", apart from the  
mark as shown.

Ser. No. 478,292, filed May 1, 1984.

DOMINICK J. SALEMI, Examiner



**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**Reg. No. 3,362,107**

**United States Patent and Trademark Office**

**Registered Jan. 1, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

**Rustico**  
cooking

RUSTICO COOKING (NEW YORK LTD LIAB CO)  
APT 4M  
300 EAST 71ST STREET  
NEW YORK, NY 10021

FIRST USE 1-1-2002; IN COMMERCE 1-1-2002.

FOR: CONSULTING SERVICES IN THE FIELD  
OF CULINARY COMPETITIONS; EDUCATION  
SERVICES, NAMELY, PROVIDING HANDS ON  
CLASSES AND WORKSHOPS IN THE FIELDS OF  
COOKING AND GASTRONOMY; EDUCATIONAL  
DEMONSTRATIONS; ENTERTAINMENT SERVI-  
CES, NAMELY, WINE AND FOOD TASTINGS;  
GUIDED TOURS OF WINERIES, RESTAURANT  
KITCHENS, OLIVE OIL PRODUCERS, IN CLASS 41  
(U.S. CLS. 100, 101 AND 107).

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "COOKING", APART FROM THE  
MARK AS SHOWN.

THE ENGLISH TRANSLATION OF THE ITALIAN  
WORD "RUSTICO" IN THE MARK IS "RUSTIC."

SER. NO. 77-166,814, FILED 4-26-2007.

MARY MUNSON, EXAMINING ATTORNEY

**Int. Cl.: 43**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 3,577,399**

**Registered Feb. 17, 2009**

**SERVICE MARK  
PRINCIPAL REGISTER**

**RUSTIC STEAK**

TATO RESTAURANT HOLDINGS, INC. (FLOR-  
IDA CORPORATION)

P.O. BOX 520085

LONGWOOD, FL 32752

FOR: RESTAURANT SERVICES, IN CLASS 43  
(U.S. CLS. 100 AND 101).

FIRST USE 9-10-2008; IN COMMERCE 9-10-2008.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "STEAK", APART FROM THE  
MARK AS SHOWN.

SN 77-299,321, FILED 10-9-2007.

KATHY DE JONGE, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## PIZZA RUSTICA

**Reg. No. 4,124,031**

**Registered Apr. 10, 2012**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

RUSTICA FRANCHISE COMPANY, INC (FLORIDA CORPORATION)  
SUITE 240  
605 LINCOLN ROAD  
MIAMI BEACH, FL 33139

FOR: RESTAURANT AND TAKE-OUT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-1996; IN COMMERCE 4-15-1996.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,266,540 AND 3,371,902.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PIZZA", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF "RUSTICA" IN THE MARK IS "RUSTIC".

SEC. 2(F).

SER. NO. 85-226,594, FILED 1-26-2011.

JOHN DWYER, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,130,533**

**Registered Apr. 24, 2012**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

RUSTICA FRANCHISE COMPANY, INC (FLORIDA CORPORATION)  
SUITE 240  
605 LINCOLN ROAD  
MIAMI BEACH, FL 33139

FOR: RESTAURANT AND TAKE-OUT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-1996; IN COMMERCE 4-15-1996.

OWNER OF U.S. REG. NOS. 3,266,540 AND 3,371,902.

THE COLOR(S) RED, YELLOW, GREEN, AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PIZZA", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A RED TOMATO SHAPE WITH A GREEN STEM DESIGN ON THE TOP OF THE TOMATO. THE TOMATO IS OUTLINED IN BLACK AND SUPERIMPOSED OVER A YELLOW DIAMOND SHAPE, WITH THE WORD "PIZZA" ARCHED ABOVE THE TOMATO DESIGN AND THE WORD "RUSTICA" ARCHED BELOW THE TOMATO DESIGN.

THE ENGLISH TRANSLATION OF "RUSTICA" IN THE MARK IS "RUSTIC".

SEC. 2(F) "RUSTICA".

SER. NO. 85-226,584, FILED 1-26-2011.

JOHN DWYER, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## RUSTIC BAKERY

**Reg. No. 4,185,983**

**Registered Aug. 7, 2012**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

RUSTIC BAKERY, INC. (CALIFORNIA CORPORATION)  
1139 MAGNOLIA AVENUE  
LARKSPUR, CA 94939

FOR: RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-2006; IN COMMERCE 3-1-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,354,614.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAKERY", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 85-494,505, FILED 12-13-2011.

WILLIAM JACKSON, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## CAFE RUSTICA

**Reg. No. 4,291,722**

**Registered Feb. 19, 2013**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FUB RESTAURANT, INC. (NEW YORK CORPORATION)  
96 PINE HILL ROAD  
GREAT NECK, NY 11020

FOR: BAR SERVICES; CATERING SERVICES; RESTAURANT SERVICES, IN CLASS 43  
(U.S. CLS. 100 AND 101).

FIRST USE 0-0-1993; IN COMMERCE 0-0-1993.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CAFE", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF THE WORD "RUSTICA" IN THE MARK IS "RUSTIC".

SER. NO. 85-657,898, FILED 6-21-2012.

ANDREA K. NADELMAN, EXAMINING ATTORNEY



*Lea Street Lee*

Acting Director of the United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

**RUSTIC INN**

**Reg. No. 4,379,099**

**Registered Aug. 6, 2013**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

W & O, INC. (FLORIDA CORPORATION), DBA RUSTIC INN CRABHOUSE  
4331 ANGLERS AVENUE  
FORT LAUDERDALE, FL 33312

FOR: RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 6-10-1956; IN COMMERCE 6-10-1956.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,316,282 AND 1,688,240.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INN", APART FROM THE MARK AS SHOWN.

SER. NO. 85-773,579, FILED 11-7-2012.

JEFFERY COWARD, EXAMINING ATTORNEY



*Lisa Street Lee*

Acting Director of the United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

**RUSTICO**

**Reg. No. 4,460,853**

**Registered Jan. 7, 2014**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

NEIGHBORHOOD RESTAURANT GROUP III, LLC (VIRGINIA LIMITED LIABILITY COMPANY), TA RUSTICO; ALSO RUSTICO RESTAURANT; ALSO RUSTICO RESTAURANT & BAR  
2000 MT. VERNON AVENUE  
ALEXANDRIA, VA 22301

FOR: BAR SERVICES; RESTAURANT AND CAFE SERVICES; RESTAURANT AND CATERING SERVICES; RESTAURANT SERVICES; RESTAURANT SERVICES, INCLUDING SIT-DOWN SERVICE OF FOOD AND TAKE-OUT RESTAURANT SERVICES; RESTAURANT SERVICES, NAMELY, PROVIDING OF FOOD AND BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 6-1-2006; IN COMMERCE 6-1-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF "RUSTICO" IN THE MARK IS "RUSTIC".

SER. NO. 85-591,308, FILED 4-6-2012.

ROBERT STRUCK, EXAMINING ATTORNEY



*Deborah S. Cohn*

Commissioner for Trademarks of the  
United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Rustic Tavern

**Reg. No. 4,583,909**

**Registered Aug. 12, 2014**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

RT RESTAURANT HOLDINGS, INC. (CALIFORNIA CORPORATION), DBA RUSTIC TAVERN  
3576 MT. DIABLO BLVD.  
LAFAYETTE, CA 94549

FOR: BAR AND RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 5-1-2013; IN COMMERCE 5-1-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TAVERN", APART FROM THE MARK AS SHOWN.

SER. NO. 86-150,136, FILED 12-20-2013.

ALLISON SCHRODY, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
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## Singer Pat Green will part-own backyard bar 'The Rustic' in West Village, featuring menu from Sharon Hage

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By SARAH BLASKOVICH  
Pegasus News

Published: 22 January 2013 01:59 PM  
Updated: 23 January 2013 10:09 AM

*Editor's note: This was corrected to note that Sharon Hage is developing the menu.*

DALLAS — A restaurant and bar with a backyard is opening at Lemmon Avenue and Central Expressway in West Village this spring. The new place will be called **The Rustic** and is owned in part by Texas country singer **Pat Green**.

It may feel similar to **Katy Trail Ice House** in Uptown or **The Foundry and Chicken Scratch** in West Dallas: The Rustic is all about eating, drinking, and listening to music in a comfortable backyard, said owner Kyle Noonan.

"We did pull a lot of inspiration from the Texas Hill country," he said. The venue can seat 200 inside, 200 outside, or during concerts, 500–600 inside and 2,000



outside. Noonan said Stubb's in Austin is a good parallel in terms of size and space, though The Rustic won't confine itself just to country music.

Sharon Hage, [from the beloved, shuttered Dallas restaurant York Street](#), will be developing the menu. Hage currently oversees the menu at [Bowl & Barrel](#), an [upscale bowling alley at The Shops at Park Lane](#) owned by Free Range Concepts. The company also owns The Rustic and the [re-done Sunset Lounge in Dallas](#), which opens Wednesday, January 23.

The theme of the menu is backyard barbecue. "Some of my favorite memories, and most people's favorite memories, are centered around a cookout," said Noonan. "... cold beer in hand, under the stars."

He calls the menu "good, down-home comfort food" that will include some local ingredients.

The bar will have more than 40 beers on draft, most of which will be from Texas breweries. One of Noonan's lofty goals is to get a rep from each brewery in the state of Texas to work with The Rustic. "Texas has a ton of great beer, and it's growing," Noonan said. "We really want to highlight that, and to be known as a place to get an ice-cold Texas beer."

The Rustic will also have a full bar, including some Texas spirits.



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From the Dallas Business Journal

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## The Rustic brings new dining, entertainment concept

**SUBSCRIBER CONTENT:** Apr 5, 2013, 5:00am CDT Updated: Apr 4, 2013, 3:11pm CDT



[Candace Carlisle](#)

Staff Writer- Dallas Business Journal

[Email](#) | [Twitter](#) | [Twitter](#) | [Google+](#)

The half-built stage near the northwest corner of Lemmon Avenue and North Central Expressway in Uptown doesn't look like much, but the forces behind Dallas-based Free Range Concepts LLC hope it will become the center of a restaurant and music venue known as The Rustic.

Even if it is only temporarily.

"We are really in the center of one of the densest populated areas in Texas, but you have this open-air, park-like setting that's pretty unique," said [Kyle Noonan](#), developer and co-founder of Free Range Concepts, which also developed the Sunset Lounge off Ross Avenue and Bowl and Barrel in The Shops at Park Lane. Noonan and [Josh Sepkowitz](#), co-founder of Free Range Concepts, oversee the project.

The nearly 8,000-square-foot restaurant and bar is scheduled to open in July. Plans include a stage for outdoor concerts, picnic tables and various open-flame grilling areas featuring different styles of wood to add flavor to [Chef Sharon Hage's](#) menu. Hage is an of-the-moment consulting chef that has developed menus for new concepts including The Lot and Bowl and Barrel.

The Rustic is being developed in partnership with singer-songwriter [Pat Green](#).

This likely won't be the last real estate built on the 2.5-acre tract of land, which sits next to the trolley turntable and Cityplace DART station. The last hurrah will belong to property owner Cityplace Co.

### Eyeing bigger plans

When Cityplace bought 131 acres of land two decades ago, the development company set aside

the best parcel.

The Rustic will be there for five to 10 years, said [Neal Sleeper](#), president of Cityplace Co.

"As opposed to developing that first, our plan has always been to develop our best property last," Sleeper said. "This is a great way to put this land to use and generate activity without doing anything permanent in nature."

What's the end-game for this lot? A 43-story, half million-square-foot office tower with a retail component, Sleeper said.

The project would play off the high-density surrounding, including Forest City's \$100 million residential and retail high-rise next to the West Village. But that's a long way off, he said.

"We aren't even tempted to think about doing another development until someone just has to have a half-million-square-foot building," Sleeper said.

### **But until then ...**

The Rustic will create another social space in Dallas, said Noonan, who doesn't mind facing a short-term future. He declined to disclose the company's investment into The Rustic, which can accommodate about 400 people.

The project is exciting for the neighborhood, said [Amy Gibson](#), executive director at **Uptown Dallas Inc.**, a nonprofit that oversees the Uptown Public Improvement District.

"It's important to Uptown, which is the most densely populated neighborhood in Dallas," Gibson said, adding that green space was an important commodity to the neighborhood, which recently began remodeling Griggs Park at the northwest corner of Woodall Rodgers Freeway and North Central Expressway.

Within 500 yards of The Rustic, there are roughly 3,000 apartments or condominiums, Noonan said, who pulled the area's statistical information before tackling the project. Uptown's population has increased 80 percent over the past decade to about 13,000 residents, in part because of the high-rise apartment and condominium development.

Free Range Concepts is also working on its fourth venture, a restaurant/bar/dog park concept dubbed Mutts Canine Cantina, scheduled to open adjacent to The Rustic in May.

ccarlisle@bizjournals.com | 214-706-7121

Candace covers commercial and residential real estate and sports business.



## INSIDE PAT GREEN'S MASSIVE NEW VENUE AND RESTAURANT IN DALLAS, THE RUSTIC

BY KELLY DEARMORE

FRIDAY, OCTOBER 11, 2013 | 2 YEARS AGO



*Mike Brooks*

"Hello! Here we have calf-fries with a touch of Tabasco, would you like one?" asks an attractive female server wearing tighter-than-tight jeans and boots.

For the first time in this Texan's life, the answer was yes, and it's a good thing it was (spicy wild boar meatballs and juicy shards of fried cactus were also warmly welcomed by this native Texan). The way in which the seemingly crude appetizer of deep-fried balls from some farm animal wasn't only tasty, but an elevated form of hors d'oeuvre, made for the best metaphor to describe the opening night of *The Rustic* -- a mix of whimsical Texas charm, Dallas money and good ol' fashioned creative vision.

See also: *Pat Green talks about the stripped-down approach to his new album*





*Mike Brooks*

The venue, a new dining concept and concert venue from the minds of Texas Country torch-bearer **Pat Green** and the Dallas-based **FreeRange Concepts** (Bowl and Barrel, Mutt's Cantina) certainly held up its end of the bargain last night at the grand opening.



*Mike Brooks*

The entire venue, from the 40-plus beer taps under an American flag fashioned out of empty beer cans to the outdoor concert area was gorgeous, but it also had a casual feel that gives it a chance to embrace those who don't normally make Knox-Henderson Happy Hours a regular part of their week. There were plenty of rustic elements to be seen, aside from the beer-can flag, such as the varying types of wood that covered the walls which gave the interior of the restaurant the vibe of a cabin, albeit a fancy one. Portions of steel barrels functioned as light



There's considerable on-site parking and easy street-parking access -- not usually a part of Dallas' Uptown area.



*Mike Brooks*

And the music venue has proper ambitions, with plans to host local music up to four nights a week, along with larger national acts a couple of times a month along Central Expressway. The whole thing feels like something that wouldn't normally happen here. Green, a member of Texas Country royalty, has a simple, but profound vision for the restaurant's musical aspect.



*Mike Brooks*

"We'll have 30 big-ticket shows a year here," he explains as he provides a tour through the bar-area and into the outdoor concert venue as gawkers stalk about a couple of hours before he would hit the stage."But this is a restaurant first, not a music venue. People are going to come here for the food and the drinks. It has to be that way for this to work, I think."



*Mike Brooks*

And yes, people were there for the drinks and were pleasantly surprised by the food, as local luminaries such as former Dallas Star goalie Marty Turco, Texas Ranger Ian Kinsler and legendary chef Dean Fearing were all on-hand. And as the perfectly weathered Dallas sky grew dark, the crowd of over one thousand gathered outside in the backyard biergarten area awaited the singer who has provided the soundtrack for innumerable college-years road-trips to christen the venue appropriately.

Even when down near the front of the crowd near the stage, it never felt jam-packed, which was nice, as it's tough to imagine a thicker crowd than one for a Pat Green show on the opening night of his own venue. As Green launched into perhaps his most beloved song, "Carry On," to start the show, the sound was clear, with stacked amps aplenty on each side of the stage (a massive wooden structure with large, lit-up letters spelling out the venue's name atop it) to appease the folks in the back of the yard. And the sight lines are excellent all the way back to the grassy area by the fence that backs up to the southbound service road for Central Expressway,

Local Country artist Deryl Dodd, who gigs more in Ft. Worth than Dallas, made a point to see the place, and he thinks The Rustic could be such a great development for the Dallas country music scene. "There's no other place like this in Dallas," he says. "The location. The sound, the



lighting, it's all perfect."



*Mike Brooks*

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## Restaurant Reviews

### Restaurant review: At the Rustic, it's all about smoke and great Texas beers ★★★★★

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By KIM PIERCE

Special Contributor

Published: 19 December 2013 03:52 PM

Updated: 20 December 2013 10:16 AM

Remember the illuminated “home” sign in Stanley Kubrick’s *Clockwork Orange*? “RUSTIC” in garish marquee lights blazing above the outdoor stage smacks of similar irony.

Down in the Rustic’s “backyard,” among the picnic tables, Adirondack-ish chairs, forest of heaters and wood-fired chimney boxes, it’s folksy, free-for-all seating. The party next to us rushes over to check out our flames. The fire monitor drops by with fresh logs. Who cares if the temperature’s in the 40s? You can eat with gloves on. Even my reluctant, curmudgeonly companion has to admit it’s fun.

Part concert venue — metal doors roll up on two sides of the stage — part sports bar and part farm-to-table restaurant, the latest entry from Free Range Concepts, in partnership with singer Pat Green, plants a little patch of Texas dreamin’ amid Uptown’s high-rises and cranes. Partners Josh Sepkowitz and Kyle Noonan also brought us Mutts next door and Bowl and Barrel.

Getting a table inside can be tricky on nights when weather makes outside seating impossible. When that’s the case, you can wait up to two hours for a spot in the dining area. There, the tall ceiling suggests wide-open spaces. Distressed wood and tin accent the ranch theme, while communal tables and oversized booths ring the copper-topped, horseshoe-shaped bar. At the opposite end of the room, behind the dining area, windows separate

patrons from the business of the smoke.

Smoke is a big deal here. The kitchen crew fires up different woods each day, even if few people can distinguish oak-grilled from pecan-smoked. Executive chef Matt Balke, most recently of the Bolsa fold, oversees the team that turns out artfully smoke-infused dishes, none more startling in its goodness than the grilled rustic bread with satiny, artisanal Caprino Royale chevre from Waco.

Balke conspired with former York Street boss Sharon Hage and Noonan to create the high-minded comfort menu, exemplified by deviled eggs crowned with crackling-good fried chicken skin or wild boar meatballs cleverly bedded on puréed black beans. The “bright” confetti slaw flanking many entrees earns its name, and apple-cider vinaigrette gives baby kale salad with corn, pinto beans and carrots just the right lift.

A nice, smoky edge invigorated the gooey Rustic burger on a challah bun, whose promised brisket is minced and embedded in the cheddar. Just-right smokiness imbued juicy molasses-brined quail and achiote-anchó-rubbed free-range chicken, too. The latter got even better with a swipe through wondrous lemony, buttermilk-based mustard “barbecue” sauce. Delivery was snappy, and this place can seat more than 500.

For dessert, the Key lime pie is classic. But the towering peanut-butter-mousse pie on a fudge-draped, chocolate-cookie crust is the talker here, with its sweet-bitter, creamy-crunchy two-step.

It feels like short shrift to only now mention the 34 Texas craft beers on tap, with more in bottles. They’re anything but an afterthought, although the same can’t be said for the wine list and its smattering of Texas wines.

All this raises the question: Is it possible for a venue to overestimate its clientele? Does the football or music fan who treasures his Rogness Rook really notice artisan goat cheese? Local greens? Fabulous Texas quail? For the sake of diners who adore such things, here’s hoping the commitment to quality endures.

*Kim Pierce is a Dallas freelance writer.*

### **THE RUSTIC (3 stars)**

**Price:** \$\$\$ (appetizers \$5.95 to \$8.95, salads \$8.95 to \$13.95, sandwiches \$8.95 to \$11.95, entrees \$13.95 to \$28.95, desserts \$6.95 to \$7.95)

**Service:** Snappy, earnest, on the ball and fluent with Texas craft beers

**Ambience:** Uptown Texas ranch with a laid-back “backyard” and two-sided live music stage that opens onto the outdoor seating and the dining room

**Noise level:** Amazingly, never too loud for conversation, even when there's live music. Only when the big sports events (read: football games) blare over the high-def screens is talk impossible.

**Location:** 3656 Howell St., Dallas; 214-730-0596; [therusticrestaurant.com](http://therusticrestaurant.com)

**Hours:** Sunday–Thursday 11 a.m. to midnight, Friday–Saturday 11 a.m. to 2 a.m.

**Reservations:** Accepted only for parties of 20 or more. When the weather makes outside seating unfeasible, waits can be long.

**Credit cards:** All major

**Wheelchair accessible:** Yes

**Smoking:** Outdoors in the backyard

**Alcohol:** Full bar, with 34 Texas craft beers offered on tap and a pretty good lineup of Texas spirits. Texas wines and wine in general play second fiddle.



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## The Rustic in Dallas offers hometown music and good-ol' Texas comfort food

By Elizabeth Saab

Published April 04, 2014 | FoxNews.com

Tens of thousands of basketball fans have descended on Dallas this weekend for the Final Four. And it's a safe bet that many of them will head over to Grammy-nominated country singer Pat Green's The Rustic – a short drive from AT&T Stadium, where the NCAA men's basketball championship game will be held.

Thankfully, the 2 1/2-acre restaurant and music venue isn't in a remote part of Texas. It's actually in the middle of Uptown, one of Dallas' busiest neighborhoods.

Green and Free Range Concept partners Josh Sepkowitz and Kyle Noonan dreamed up the idea around the campfire.

"We had some cold beers and we were grilling out over this open flame and we had this *aha!* kind of moment," co-owner Noonan says. "And we said, everybody loves this experience. I think everybody can relate to a campfire-cookout-under-the-stars story, and we thought, couldn't we recreate that in an urban setting or something somewhere?"

The trio spent about a year to put it together, from scouting locations to building the perfect ... well ... "Rustic" atmosphere – complete with an American flag made out of beer cans (they offer nearly 40 Texas craft beers on tap).

The outdoor patio boasts of trees and live music under the stars, and the lineup includes Green. "When he comes here and plays, people talk about it for weeks afterwards," Noonan said. "It's so cool. It's such a neat experience to see him live. It's a blessing to have him a part of The Rustic."

And, of course, there's the food – a perfect menu dotted with Texas comfort dishes. There's quail, cactus, steak, burgers, even wild boar meatballs, and they're all locally sourced in the Lone Star State. Noonan wouldn't have it any other way.

"It's a healthier way to eat, but at the end of the day, it's a better tasting product. When you get something that came a few miles from you as opposed to a few thousand miles from you – it's just going to taste better."

The 7-month-old restaurant was a hit the minute they opened the doors. More than three thousand people showed up on the first night, and Noonan admits even he was surprised.

"The old adage, 'Be careful what you wish for,' really became true for us," he said. "We felt like we got hit by a hurricane. There's just no way to really prepare for that. But we've got our sea legs now."

Yes, they do. The Rustic has just been named the highest grossing restaurant/bar in Texas. "It really is a proud thing for us and the staff, and it shows that your hard work can pay off."

Noonan says there are plans to expand. They're hoping to open The Rustic in Houston and San Antonio in the next 18 months. Sepkowitz and Noonan also are the team behind Dallas' Bowl and Barrel and the popular Mutt's Canine Cantina, the outdoor burger bar and dog park next door to The Rustic.

Not bad for two guys who met in college and started their business a little over a year ago. And then to convince one of the most successful country singers in Texas to open a restaurant? Pretty impressive for such a young company.

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# The Rustic



photography by Louie Solomon

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<http://www.therusticrestaurant.com>

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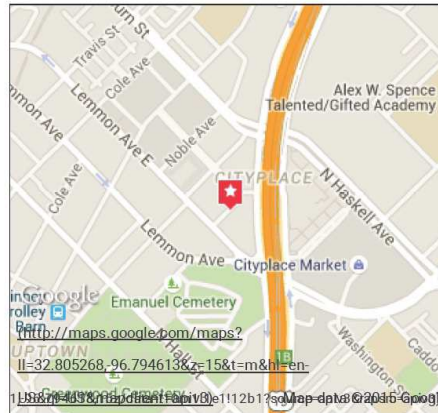
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### PROFILE

This new, Texas-themed restaurant bar, located in the heart of Uptown, is brought to you by Josh Sepkowitz and Kyle Noonan of Bowl & Barrel and Mutt's. The menu offers 40 beers on draft which, should be taken outside for a spot on the patio. Also known as "Pat's Backyard," The Rustic's outdoor space, which is named after country singer and part-owner Pat Green, comes fully equipped with picnic tables, fire pits, a grassy



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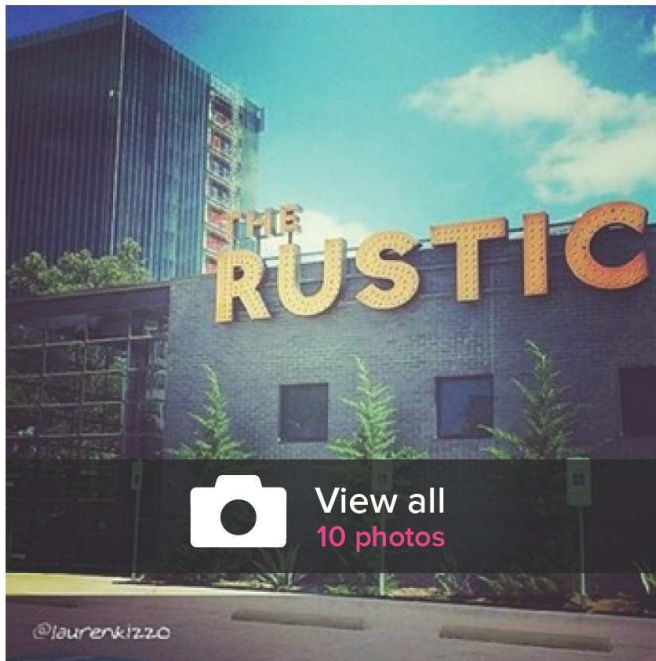
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# The Rustic Rules Dallas

September 15, 2014

9:30 AM MST



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## The Rustic: Kitchen, Backyard, Music & Bar

Rating: ★★★★★

There's nothing rusty about [Dallas'](#) best [bar](#), The Rustic. Shy of just their one year anniversary, The Rustic brings positive energy, live music and an awesome staff scattered across the gigantic establishment, both inside and out. Before The Rustic, Katy Trail Ice House was the patio to go to & bar to watch football and people watch. Sorry, Katy Trail, I love you guys, but The Rustic and owners behind this brilliant concept mastered the imaginative creation of what an outside patio should look like.



The Rustic's outside is designed almost like The Gexa Energy music venue; a lawn, middle section with tables and the stage. People sit on the lawn, make new friends at shared picnic tables or dance right next to the stage during a live performance. Behind the stage shines this huge sign spelling out THE RUSTIC & truly gives the feeling that you're at legit concert with waiters & waitresses bringing you what you want in a timely manner. Everything about this place is stellar; the food, the vibe and management style. A manager always stops by to make sure you're experience is great.

'With a relaxed casual atmosphere, it's a place where anyone can feel at home. Enjoy authentic local beers, wines, and spirits served by a friendly staff. Listen to live music from local and national artists, and take it all in from their award winning patio.

Their menu features seafood from the Gulf, steak sourced from local ranchers and dairy and produce grown by local farmers. Each one-of-a-kind creation is made from scratch in their expansive kitchen. Enjoy down-home food with a twist you won't find anywhere else.

The Rustic's local commitment doesn't stop in the kitchen; the bartenders pour the most prolific collection of Texas beverages around & are some of the coolest bartenders I've come across in awhile. I interviewed bartenders, owners and general managers of bars all across the United States for a television show, 'Bar Masters' & must say The Rustic scored with the talent they have. The Rustic also has 40 beers on tap, 30 of which are Texas craft beers, and a collection of local spirits and wines. Whether you have a love of local craft lager, a taste for Tito's Vodka made in Austin, or a sweet spot for local wines, their bar selection is sure to quench your thirst.'

The Rustic is located at the corner of Lemmon Ave & 75 in uptown Dallas and is brought to you by FreeRange Concepts & Pat Green.

For all inquiries regarding planning parties for 20 or more people, please contact Erin with Encore Live at (817) 996-2122 or [erin@encorelive.com](mailto:erin@encorelive.com).

For inquiries regarding performing at The Rustic and production, please contact [bandbooking@encorelive.com](mailto:bandbooking@encorelive.com).

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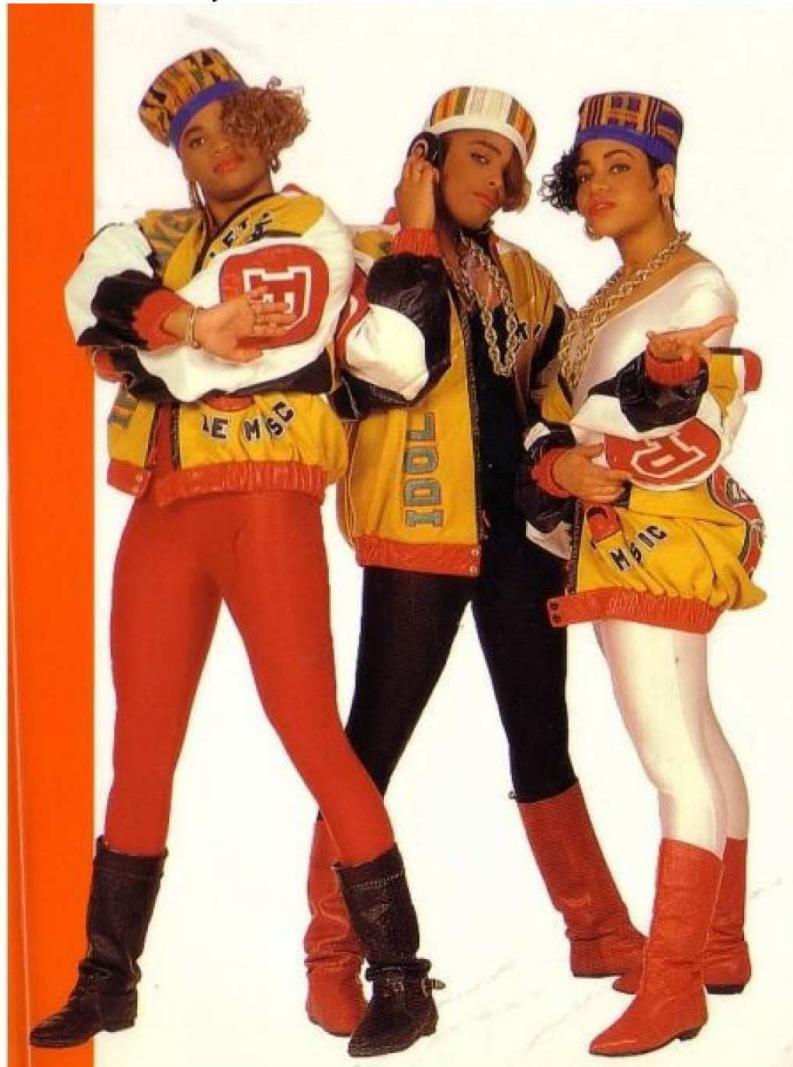
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**Salt-N-Pepa Live at The Rustic, Uptown Dallas, Oct. 31**



By: [Farrah Blakely](#) AXS Contributor Oct 26, 2014  
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For any '90s hip-hop music lovers, Salt-N-Pepa will be at The Rustic in Uptown Dallas Oct. 31 for a live performance. The Grammy award winning all-female rap crew will be dropping dope lyrics from their many hits from the '90s. If you were not a teen in the '90s, poor you, you missed out on some of the best hip hop music of all time. There will never be another era of hip-hop music that will be this good. I'm just saying.

Salt-N-Pepa were the first female rap artists to dominate the rap industry during a time when male rap artists where

spewing degrading lyrics about women and creating coastal uproar with rap wars between the east and west coast. These show stopping females made hit after hit gaining industry wide respect for having upbeat, fun, and controversial rap songs that made you want to dance, their music was contagious.

Who can forget their first album with the hits “Ooh Baby, Baby” and “Push it”. They were regulars among Yo! MTV Raps top 10 artists. Umm...for you millennials that was a show on MTV that highlighted only rap videos. Yeah, back in the '90s MTV showed actual music videos.

Salt-N-Pepa took female empowerment to whole other level in the '90s with the message that women were just as powerful as men and that their power was just as fierce with their sex appeal as it was with their lyrics; remember their hits like “Shoop”, “Express yourself”, “Whattaman”, and “Let’s talk about sex”.

This will be a fun and lively performance. A great outing for the Halloween weekend. The Rustic is a great outdoor music venue with an intimate and relaxed atmosphere, friendly staff, and great food. Order with the Rustic Burger, you won't be disappointed.

“The Backyard”, this is where the live music takes place, its layered with picnic tables, string lights, and oak [trees](#). It really does feel like in your friend’s backyard listening to music and having a few drinks. It’s Dallas’ newest hot spot located in the trendy and always well populated Uptown area between Blackburn Street and Lemmon Avenue. Get your tickets, only \$26, at [Outhouse Tickets](#) or check [The Rustic website](#) for more info.



By: [Farrah Blakely](#) AXS Contributor

Oct 26, 2014

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The rocking Roomsounds take the stage. Photograph by [Claire McCormack](#).

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The rocking Roomsounds take the stage. Photograph by Claire McCormack.

ISSUE 12: DALLAS

THE RUSTIC

A sprawling Uptown hotspot set on 2 1/2 stylishly "wild" acres, The Rustic offers everything you need for a rocking night out—from a live music venue and a restaurant serving locally-sourced home cooking to comfy lounges and campfires and a tap list featuring more than 40 Texas craft beers.

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
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# Rustic Kitchen

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